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SUBJECT: HUMAN RIGHTS AND RELIGIOUS FREEDOM IN RUSSIA

Classified By: Political Officer Bob Patterson. Reason 1.4(d).

¶1. (C) Summary: In a recent interview, Human Rights Ombudsman Vladimir Lukin outlined his concerns and views on religious freedom in Russia, including his opposition to mandatory classes on religion in public schools, his liberal stances allowing "non-traditional" religious groups to register as legal organizations, and the need to support freedom of assembly and freedom of speech when attacked with religious fervor. The Chief of the Ombudsman's Religious Affairs Office reinforced these views and gave us additional insight on the tension between the Ombudsman's office and the Russian Orthodox Church. Human Rights experts noted the conservative stance of most religions in Russia, and one noted that in a country where orthodoxy (in all faiths) is the mainstream, variation from the norm quickly becomes "extreme." Christians, Muslims, and Jews all recently found common ground in condemning the 2007 "Forbidden Art" exhibit at the Sakharov Center, which has led to the trial of the Center's director on charges of extremism.

The Human Rights Ombudsman on Religion

¶2. (SBU) Human Rights Ombudsman Vladimir Lukin outlined his views on freedom of religion and religious tolerance in an extensive interview with Nezavisimaya Gazeta published June 14. Lukin judged the Federal Law on Religion, which has been in effect for more than 10 years, an overall success and noted Russia's large and growing number of religious organizations, monasteries, education institutions, and media outlets. On the other hand, he cited problems in the implementation of the law, specifically in the failure to register non-traditional religious groups, the misuse of anti-extremist laws against groups because of their religious beliefs, and the lack of a government authority with a presence in the regions to ensure the uniform application of this and other human rights laws.

¶3. (SBU) Lukin dismissed Russian criticism of the United States and the annual Religious Freedom report, arguing that, for the most part, the analysis was fair. Russia had willingly assumed its human rights obligations and Russia itself criticizes other countries for not fulfilling international obligations, so these external critiques should be recognized as part of a normal process and welcomed as an opportunity for self-improvement, he said. Lukin noted that the report was "on the whole" accurate, and that the violations noted in the report needed to be rectified.

¶4. (C) Repeating a theme from his own annual report, Lukin was very critical of the attempts to introduce a mandatory course on Orthodox Culture in the public schools. He called such a course "inconsistent with Russian law" and "a retreat from the principle of state secularism." Lukin said that the government and religious authorities have no right to dictate individual morality, and that "a secular state...builds a system based on law, not on 'common religious beliefs.'" Mikhail Odintsov, the Chief of the Ombudsman's Religious

Affairs Department, told us on June 9 that his office considered this to be the most important issue that his office handled.

¶5. (C) Geraldine Fagan, the Russia correspondent for the Religious Freedom news service Forum 18, told us on June 18 that church leaders and like-minded government officials had stopped their public advocacy for introducing this course beyond the five regions where it is now taught. Instead, she said, many are now advocating an alternate course on ethics and morality.

The Role of The European Court of Human Rights

¶6. (SBU) Lukin highlighted the recent European Court of Human Rights (ECHR) cases in which small religious groups had won victories against Russia. Lukin emphasized that these cases are binding upon Russia, and that the government needed to do more than simply pay the fines by taking action to change the underlying problems.

¶7. (C) In a meeting with NSC Senior Director Mary Warlick EUR DAS David Merkel, and EUR/RUS Office Director Ian Kelly on June 18, Allison Gill, the AmCit Director of the Moscow Office of Human Rights Watch, complained about GOR inaction on ECHR cases. "Russia has the money, so they pay the fines, but they keep having the same problems over and over again." Gill said that the GOR simply needed to publish the ECHR decision in the Supreme Court bulletin to give the Russian courts the ability to reference these cases in their own decisions, but that there was no political will to set that precedent.

Banning of "Extremist" Works

¶8. (C) Lukin criticized the May 2007 decision by a Moscow court to ban as extremist the writings of 20th-century Turkish theologian Said al-Nursi. Aleksandr Verkhovskiy, the Director of the SOVA Center for Information and Analysis, told us that the authorities have searched homes and offices in Tatarstan, Novosibirsk, Dagestan, and other places, and arrested people for possessing or distributing his writings. Lukin consulted with several religious leaders, academics, and legal experts, none of whom found anything extremist or inciting in al-Nursi's writings. Afterwards, he sent a letter to the Moscow court advising it that to find these writings "extremist" would require the court to take an unwarranted step out of the legal and into the theological realm. Lukin noted that if the courts can make rulings on interpretations of the Koran, there was nothing to stop them from doing the same to different interpretations of the Bible.

¶9. (C) Gill also found the ruling worrisome and said that HRW has seen reports that al-Nursi's writings were now being planted by police as a pretext for searching or arresting people. Odintsov said that he had heard of an internal directive in the Ministry of Justice that instructed the prosecutors how to deal with issues of religious extremism, but that he had not yet been able to get a copy of it.

Offensive Art as Protected Speech

¶10. (U) In his interview, Lukin also defended free speech and artistic expression, even if these actions insult religions. In 2007, the Sakharov Center presented an exhibit entitled, "Forbidden Art" (not to be confused with their 2003 "Danger: Religion!" exhibit, which got them temporarily closed and fined). Following a complaint from the patriotic Orthodox movement The People's Assembly, a Moscow court charged Center Director Yuriy Samodurov with inciting religious and ethnic hatred. The artwork, which was placed behind wooden walls and required viewers to peer through peepholes, offended many with such provocative works as Mickey Mouse Jesus; "Chechen Marilyn," a veiled Muslim girl lifting up her skirt to reveal

skull and crossbones tights and a suicide bomber belt; and "Glory to Russia!," a photoshopped rendition of a smiling Russian General sodomizing an enlisted soldier. Christian, Muslim, Jewish, and nationalist groups condemned the exhibit, while leaders of the human rights community have publicly defended the Sakharov Center.

¶11. (U) Lukin weighed in on the exhibit, saying that he found much in the exhibit to be distasteful, and that in his opinion the exhibit did not honor the legacy of Andrey Sakharov. Nevertheless, he recommended more dialogue and less litigation, and urged that those offended by the exhibit exercise "one of the most powerful, essential ideas of Christianity: forgive those who trespass against us."

Comment

¶12. (C) Lukin continues to be a strong advocate for a tolerant and just civil society. By striving both to protect religion from state pressure and to protect the individual from religious pressure, Lukin often places himself in unpopular positions, but he has been successful in maintaining his reputation as an honest broker. Unfortunately, his influence is limited by both his lack of resources and the legal limits on his office.
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